



South Carolina House of Representatives

# Legislative Update

David H. Wilkins, Speaker of the House

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*NOTE: Bill summaries included in this document are prepared by the staff of the South Carolina House of Representatives and are not the expression of the legislation's sponsor(s) or the House of Representatives. The summaries are strictly for the internal use and benefit of members of the House of Representatives and are not to be construed by a court of law as an expression of legislative intent.*

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# HOUSE WEEK IN REVIEW

The House of Representatives approved **S.18**, the “**NATURAL GAS RATE STABILIZATION ACT**” and enrolled the bill for ratification. The legislation proposes to bring greater stability and predictability to rates charged by natural gas distribution utilities by establishing a procedure for the adjustment of rates and charges that routinely takes into account such factors as changes in a utility’s expenses, revenues, investments, and depreciation. The legislation establishes a procedure under which natural gas distribution utilities under the regulatory authority of the Public Service Commission are authorized to apply for rate adjustments on an annual basis that fall within a band of 0.50 percentage points above and below the rates that have been set in order to reflect current changes in investments, revenues, and expenses.

The House amended, approved and sent to the Senate **H.3086**, the **S.M.A.R.T. (STREAMLINED MANAGEMENT AND ACCOUNTING RESOURCES FOR TEACHING) FUNDING IN EDUCATION ACT**. This bill establishes a fund management and accounting program that consolidates all program funding to the state’s school districts and special schools for enhanced flexibility in their operations of grades K-12. The bill outlines six general categories in which funds may be spent: (1) quality teaching; (2) instruction; (3) technical assistance; (4) operations, infrastructure, and safety; (5) workforce education; and (6) special needs. The bill allows for transfer of funds among programs within these categories, and provides for some flexibility in distribution of funding across the six general categories. The funding categories and subcategories established in the legislation are to be utilized beginning January 1, 2006. The legislation also creates a S.M.A.R.T. Funding Study Committee (whose nine members are appointed: three each by the Governor, the Speaker of the House, and the President Pro Tempore of the Senate) to work in conjunction with the Education Oversight Committee and the State Department of Education to study the effectiveness and appropriateness of the allocation of, and flexibility in, funding in the S.M.A.R.T. Funding Act. The report must be made by July 1, 2007, at which time the committee shall dissolve.

The House amended, approved, and sent to the Senate **H.3157**. This bill creates a **CAPITAL ACCESS PROGRAM (CAP)**, to be established by the Business Development Corporation of South Carolina (BDC) with an initial appropriation of \$2.5 million, to assist participating financial institutions making loans to small businesses located in the state that otherwise find it difficult to obtain regular bank financing. Under this program, a qualifying small business is defined as one with retail sales or annual revenue not to exceed \$2 million; or wholesale sales less than \$5 million; or a manufacturing business with no more than 50 employees. The assistance must be provided by the BDC through transfers from a state fund account into a loss reserve account maintained and controlled by the BDC as custodian to provide loan loss reserves for loans made to qualifying small businesses. Under the program, the BDC will establish terms and conditions under which financial institutions will participate. The bill provides terms and conditions under which financial institutions may originate loans under the program. The House returned **S.306**, a bill pertaining to the **TRANSFER OF PRESCRIPTIONS BETWEEN PHARMACIES**, to the Senate with amendments. Current law allows a pharmacy in South Carolina to transfer prescription information to another pharmacy in the State for one refill of a medication. This bill would allow the transfer of all remaining

refills for a prescription between any licensed pharmacies, including pharmacies in other states. The transferring pharmacist would be required to void any remaining refills, and the receiving pharmacist would be authorized to dispense all remaining refills on the original prescription. The bill also eliminates a provision containing procedures for dispensing restricted drugs.

The House approved and sent to the Senate **H.3130**, the “**SOUTH CAROLINA RIDER SAFETY ACT**”. The legislation requires riders of amusement and carnival devices to: (1) comply with posted rules, warnings, and instructions; and (2) refrain from acting in any manner that may cause or contribute to injuries, such as tampering with ride controls, disengaging safety devices, throwing objects off rides, exiting the ride at undesignated areas, etc. The legislation requires timely reporting of any injuries sustained on rides. Under the legislation the owners of amusement devices are required to post signs relating to rider safety and requirements for reporting injuries. The legislation establishes a misdemeanor for violations punishable with a fine of not more than five hundred dollars and/or imprisonment for not more than two months.

The House approved and sent to the Senate **H.3275**, a bill pertaining to **HUNTING**. Under this bill, any person who is convicted of or pleads guilty or no contest to a criminal offense resulting from the shooting of any cow or horse shall also have his or her hunting privileges suspended for a period of two years. Before the suspension period may be lifted, the bill requires the offender to successfully complete a hunter education class or course educating the offender on the proper use of weapons, game identification, and safety.

The House approved and sent to the Senate **H.3246**, a bill that designates as a **BIRD SANCTUARY** the grounds of the Presbyterian Home of South Carolina located on Highway 56 in the town of Clinton in Laurens County.

## HOUSE COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources, and Environmental Affairs Committee met and reported out four bills this week.

The Committee gave a favorable report to **H.3246**, which declares as a **BIRD SANCTUARY** the grounds of the Presbyterian Home of South Carolina located on Highway 56 in the town of Clinton in Laurens County.

**H.3275**, a bill pertaining to **HUNTING**, received a favorable report from the Committee. Under this bill, any person who is convicted of or pleads guilty or no contest to a criminal offense resulting from the shooting of any cow or horse shall also have his or her hunting privileges suspended for a period of two years. Before the suspension period may be

lifted, the bill requires the offender to successfully complete a hunter education class or course educating the offender on the proper use of weapons, game identification, and safety.

**H.3372** received a favorable report. This bill **INCREASES THE CATCH LIMIT FOR THE SALTWATER FISH RED DRUM** from two to five in any one day.

The full Committee gave a favorable report to **H.3355**, which enacts the “**SOUTH CAROLINA DAIRY STABILIZATION ACT.**” This bill creates a 13 member South Carolina Milk Board (the Board), whose duties, among other things, are to ensure that dairy producers receive fair market breakeven prices, to monitor the consumption and distribution of South Carolina produced milk, and to mediate differences between milk producers and buyers. The bill provides for the membership of the Board. The bill provides for the Board to appoint an executive director who shall serve *ex-officio* as a non-voting Board member. Principal offices of the Board will be within the South Carolina Department of Agriculture building.

**H.3355** provides that the Board is an instrumentality of the State and is authorized to make, adopt, and enforce regulations and issue and enforce orders necessary to carry out the purposes of the bill.

The bill requires and provides for buyer fees to be collected on all fluid milk produced in this State, and the bill requires that funds from these fees must be deposited into a special fund (the Dairy Producers Settlement Fund) and disbursed, as provided in the bill, to all producers in the State who sold or shipped milk in the month when prices fell below the fair market breakeven amount as determined by the Board.

**H.3355** prohibits a milk buyer from engaging in the purchase of South Carolina milk until having obtained a license from the Board. The Board is authorized, among other actions, to invoke a monetary penalty for buyers who violate the provisions of the bill. Funds from such penalties would be deposited into the Dairy Producers Settlement Fund.

The bill requires and provides for the Board to develop an accounting system designed to show for each buyer of fluid milk under the Board's supervision, the total purchases of South Carolina milk by the buyer and the sales of milk sold in this State. The bill further requires that buyers under the supervision of the Board use this system of accounting.

**H.3355** provides that violations of the provisions of the bill are a misdemeanor punishable by fine or imprisonment, and multiple violations may result in license or permit revocation.

The bill requires the Board to prepare an annual budget and requires the Board to collect funds required for operation of the bill's provisions from the State's dairy producers. Expenses of the Board must be met by an assessment of up to one cent per gallon of milk produced in this State.

The provisions of **H.3355** are repealed on July 1, 2012.

## EDUCATION AND PUBLIC WORKS

The Education and Public Works Committee reported favorable on **H.3193**, a bill which **PROVIDES THAT A TECHNICAL EDUCATION INSTITUTION UNDER THE CONTROL OF THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION MAY CHANGE ITS NAME** upon a majority vote of the area commission of the institution.

The Committee reported favorable on **H.3126**, a bill which **DELETES THE PROVISION REQUIRING A VEHICLE OWNER TO SIGN THE VEHICLE'S REGISTRATION CARD**, and deletes the penalty for failure to sign this card.

The Committee recommitted to subcommittee **H.3320**, a bill which **PROHIBITS NAMING A STATE ROAD, HIGHWAY, OR INTERSTATE, OR ANY PORTION THEREOF, FOR A PERSON WHO IS LIVING**.

## JUDICIARY

The full Judiciary Committee reported out one bill this week, **H.3008** the **SOUTH CAROLINA ECONOMIC DEVELOPMENT, CITIZENS, AND SMALL BUSINESS PROTECTION ACT OF 2005**. This legislation revises the way in which the State's judicial system handles torts. Torts are private or civil wrongs for which the court provides a remedy, usually in the form of damages. **H.3008** received a favorable report with amendment from the Committee.

The legislation as passed by the full Committee provides for the **South Carolina Contribution Among Tortfeasors Act**; this particular section of the bill relates to actions to recover damages relating from personal injury, wrongful death, or damage to property. As passed by the full Committee, the legislation revises joint and several liability in instances where more than one tortfeasor (wrongdoer) is found to be liable. Current law provides liability among joint tortfeasors is both joint and several meaning that any tortfeasor may be responsible for the entire amount of the judgment.

Under the legislation as passed by the full Committee, each defendant against whom recovery is allowed is liable to the claimant only for the defendant's proportionate share of the recoverable damages. The jury or court is required to determine the amount of damages and the percentage of liability for each defendant. When damages from a liable defendant are determined to be uncollectible after good faith efforts by the claimant to collect, a procedure is established for reallocating the uncollectible amount among the other defendants. The bill provides that a right of contribution exists in favor of a tortfeasor who has paid more than his/her proportionate share of the common liability.

As passed by the full Committee, the bill also has provisions for allocating liability among tortfeasors when a release or a covenant not to sue or not to enforce judgment is given in good faith to one of two or more persons liable in tort for the same injury or wrongful death.

The bill as passed by the Committee provides that the South Carolina Tort Claims Act is the sole remedy for any tort committed by an employee of a governmental entity acting within the scope of the government employee's official duty.

This bill as passed by the full Committee revises the **statute of limitations for filing an action for a construction defect**. Current law provides that no actions to recover damages in these situations may be brought more than 13 years after substantial completion of the improvement. The legislation as passed by the Committee lowers the statute of repose to eight years.

The legislation as passed by the full Committee establishes new provisions for **venue**; the term 'venue' generally refers to the place where a jury is drawn and in which the trial is held. With regards to venue, the legislation as passed by the full Committee provides as follows:

- Civil actions against a resident individual defendant must be tried in the county where the cause of action arose, or where the defendant resides at the time the cause of action arose; or where the plaintiff resides at the time the cause of action arose.
- An action against a nonresident individual must be tried where the cause of action arose or where the plaintiff resides at the time the cause of action arose.
- An action against a domestic corporation, domestic limited partnership, domestic limited liability company or domestic limited liability partnership must be tried in the county of the corporation's principle place of business at the time the cause of action arose, or where the cause of action arose, or where the plaintiff resides at the time the cause of action arose. The legislation establishes criteria for determining a principal place of business.
- An action against a foreign corporation, foreign limited partnership, foreign limited liability company, foreign limited liability partnership must be tried in the county where the corporation has its principle place of business in this State at the time the cause of action arose, or where the cause of action arose, or where the plaintiff resides at the time the cause of action arose. The legislation establishes criteria for determining a principal place of business.

As passed by the full Committee, the legislation establishes new provisions regarding **frivolous lawsuits**. The legislation as passed by the full Committee provides that a pleading must be signed by at least one attorney of record, or, if the party is not represented by an attorney, the party must sign the pleading. The signature certifies to the court that the person has read the document and believes, in good faith, the pleading is not frivolous. The party may be sanctioned if he/she fails to disclose facts necessary to put his/her attorney on notice that the claim or defense is frivolous. If a document is signed in violation of these provisions, the court may impose an appropriate sanction upon the violator including: an order for the party to pay reasonable costs and attorneys fees; an order for the attorney to pay a reasonable fine to the court; or, a directive of a nonmonetary nature designed to deter future misconduct. The attorney or party must be notified before the imposition of sanctions. After notification, the party or attorney then has 30 days to withdraw the document or argument, respond to the allegations, or

mitigate the effects of the violation. The provisions relating to frivolous lawsuits are in addition to all other remedies available at law or in equity.

## LABOR, COMMERCE AND INDUSTRY

The full House Labor, Commerce and Industry Committee met on Tuesday, February 8, and reported out **H.3157** favorable with amendment. This bill creates a **CAPITAL ACCESS PROGRAM** (CAP), to be established by the Business Development Corporation of South Carolina (BDC) with an initial appropriation of \$2.5 million, to assist participating financial institutions making loans to small businesses located in the state that otherwise find it difficult to obtain regular bank financing. Under this program, a qualifying small business is defined as one with retail sales or annual revenue not to exceed \$2 million; or wholesale sales less than \$5 million; or a manufacturing business with no more than 50 employees. The assistance must be provided by the BDC through transfers from a state fund account into a loss reserve account maintained and controlled by the BDC as custodian to provide loan loss reserves for loans made to qualifying small businesses. Under the program, the BDC will establish terms and conditions under which financial institutions will participate. The bill provides terms and conditions under which financial institutions may originate loans under the program.

## MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Medical, Military, Public and Municipal Affair Committee met and considered one bill. **H.3250**, pertaining to **CONTACT LENSES**, received a favorable report with amendment from the Committee. This bill provides that it is illegal to dispense contact lenses without a valid prescription from an optometrist or an ophthalmologist. The bill applies only to contact lenses and not to lenses used in glasses. Dispensing contact lenses without a valid prescription is subject to a civil penalty of up to \$5,000 per violation. This provision is to be enforced by the Department of Consumer Affairs.

The bill specifies that a contact lens prescription is valid for 12 months from the date the prescription is authorized or from the date of the last evaluation by an optometrist or ophthalmologist. Under the bill, an optometrist or an ophthalmologist may employ unlicensed assistant personnel under the optometrist's or ophthalmologist's direct supervision as provided for in their respective practice acts. After a patient's contact lenses have been evaluated and fitted to the satisfaction of an optometrist or ophthalmologist, the prescription must be released if requested by the patient and if the patient has paid in full for the examination and fitting.

## BILLS INTRODUCED IN THE HOUSE THIS WEEK

### AGRICULTURE, NATURAL RESOURCES, AND

## ENVIRONMENTAL AFFAIRS

### **S.184 FRANCIS MARION TRAIL COMMISSION** Sen. Leatherman

This joint resolution creates the Francis Marion Trail Commission to establish a heritage and tourism trail honoring Francis Marion's revolutionary campaigns. The joint resolution provides for the commission's membership and duties. The commission is authorized to solicit and raise funds for the creation of the trail.

### **S.212 HUNTING FROM WATERCRAFT** Sen. McGill

This bill provides that it is unlawful for a person to take or attempt to take a wild turkey from a watercraft on the waters of this State.

The bill further provides that except for law enforcement or military personnel, it is unlawful to possess a shotgun loaded with buckshot or larger ammunition or a rifle loaded with ammunition larger than .22 in a water conveyance on the waters of this State. Penalties are provided for violation of this provision.

### **S.291 STATEWIDE LIFETIME HUNTING AND FISHING LICENSE** Sen.

Gregory

Current law allows South Carolina residents that have attained the age of 65 to obtain a statewide lifetime hunting and fishing license at no cost. This bill reduces the age requirement to age 64 to obtain such a license as well as implements a nine dollar fee for the license. An exception is provided for those residents that have attained the age of 65 on or before July 1, 2005.

## EDUCATION AND PUBLIC WORKS

### **H.3477 ELECTION/POLITICAL ADVOCACY** Rep. Hinson

This bill requires school districts to develop and implement policies to ensure that students are not required to convey or deliver materials, and do not use public property (real or personal), to communicate personal political views or advocate election/passage or defeat of: candidates for public office; referendum questions; or matters pending before local government entities. Exceptions are provided for candidates or advocates to present their views, for discussion or use of political or issue-oriented materials as part of classroom discussion, or for advocacy for a student who is a candidate in a student-related election.

### **H.3488 STATE DOCUMENT REPOSITORY SYSTEM** Rep. Townsend

This bill revises definitions and procedures in order for the State Document Depository to acquire materials in both print and electronic format.

### **S.23 "BREAST CANCER AWARENESS" SPECIAL LICENSE PLATES** Sen. Short

This bill authorizes and provides for the issuance of "Breast Cancer Awareness" special license plates. The fee for the special plate would be thirty-five dollars above the fee required for a standard license plate. Revenue from this fee would be directed to the "Best Chance Network," a program which helps women who need financial assistance in order to be screened for breast and cervical cancer.



**S.102 PURPLE HEART SPECIAL LICENSE PLATES FOR  
MOTORCYCLES Sen. Setzler**

This bill provides that the special Purple Heart license plates for motor vehicles may also be issued for use on motorcycles.

**S.113 "SONS OF CONFEDERATE VETERANS" SPECIAL LICENSE  
PLATES Sen. Verdin**

This bill authorizes and provides for the issuance of Sons of Confederate Veterans special license plates. Funds remaining from sale of the plates after the Department of Motor Vehicles' costs are reimbursed would be distributed to the South Carolina Division of the Sons of Confederate Veterans.

**H.3493 SPECIAL RESTRICTED DRIVER'S LICENSES Rep. J.E. Smith**

This bill provides that those restrictions relating to the special restricted driver's license which may be issued to minors who are at least sixteen years of age and less than seventeen years of age, and who meet certain other criteria, may be modified or waived if the licensee proves that the restriction interferes with travel between his home and religious sponsored events.

**H.3499 STUDENTS HEALTH AND FITNESS ACT OF 2005 Rep. Harrell**

This bill establishes and provides for physical education and nutritional standards in South Carolina schools.

Beginning with the 2005-06 school year, the bill phases in increasing requirements for physical education instruction time for students in kindergarten through fifth grade. Schools that do not meet this requirement will receive professional development assistance.

The bill requires each South Carolina public school to measure its degree of compliance with physical education standards for students in kindergarten through twelfth grade. The bill requires schools to report to the State Department of Education samples of student physical education performance at the second grade, fifth grade, eighth grade, and high school level with results to be reported to state and local school boards, school administrators, and teachers. An overall physical education school effectiveness score must be reported to parents/guardians as a part of the school report card, and an individual student's fitness status must be reported to parents/guardians during a student's fifth grade, eighth grade, and high school physical education courses.

The bill requires and provides for each elementary school to designate a physical education teacher to be the Physical Education Activity Director of that school.

The bill also provides for nutrition standards in elementary schools, requiring that schools provide optimal nutrition and support the development of healthy eating habits for students, as provided in the bill. The bill prohibits elementary schools from providing students foods of minimal nutritional value and limits sale of foods and beverages other than school meals to milk, juice, entrees, bread, fruits, vegetables, and food items that are considered meal components.

The bill requires that elementary schools provide students at least twenty minutes to eat lunch once they have received their food. The bill also requires and provides for the establishment of a Coordinate School Health Advisory Council (CSHAC) comprised of

certain community and school representatives and charged to assess, plan, implement, and monitor school health policies and programs within the district, including the development of a local wellness policy as required of school districts participating in the USDA school lunch and after school snack programs beginning in school year 2005-06.

The bill requires the State Department of Education to make available to school districts a coordinated school health model, with certain components delineated in the bill, designed to address health issues of children. The bill requires elementary schools to establish and maintain school-level coordinated health advisory councils and to develop school health improvement plans as provided in the bill.

The bill requires a weekly minimum of twenty minutes of nutrition education for kindergarten through fifth grade students. The bill requires the Department of Education to assess health education programs and report their findings on the school report card, beginning with a pilot program and with full implementation of this requirement by the 2006-07 school year. The bill requires K-5 teachers to provide professional development in health education to include nutrition education annually.

**H.3503 LICENSE PLATES FOR MEMBERS OF FEDERAL COMMISSIONS  
AND BOARDS Rep. Limehouse**

This bill provides that every personalized license plate issued to members of licensed federal commissions and boards expires January thirty-first each year in which a new session of the General Assembly begins.

**H.3524 COMMERCIAL DRIVER'S LICENSE PROGRAM Rep. Townsend**

This bill requires the South Carolina Department of Motor Vehicles to administer the South Carolina Commercial Driver's License Program in accordance with the Federal Motor Carrier Safety Regulations, and makes numerous revisions of commercial driving provisions to bring these provisions into conformity with these federal regulations.

**H.3526 DALE EARNHARDT DAY Rep. Sandifer**

This bill designates April 29<sup>th</sup> of each year as "Dale Earnhardt Day" in South Carolina.

## JUDICIARY

**S.106 MOTOR CARRIER TRANSPORTATION CONTRACTS Sen. Ryberg**

This bill relates to provisions in 'motor carrier transportation contracts.' The legislation provides a definition for the term 'motor carrier transportation contract.' The term 'motor carrier transportation contract' does not include the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America.

Under this bill, a provision affecting a motor carrier transportation contract that indemnifies, defends or holds harmless the contract's promisee from or against liability for loss or damage resulting from the negligence or intentional acts or omissions of the contract's promisee is against the public policy of the State. There is an exception for damages caused by and resulting from negligence of the motor carrier, its agents, employees, servants or independent contractors who are directly responsible to the motor carrier.

**H.3483 POST-CONVICTION RELIEF Rep. Jennings**

The bill provides that a fee is not required for the initial filing for post-conviction relief by a prisoner. If a prisoner brings a subsequent action for post-conviction relief, the bill requires the prisoner to pay a filing fee. The bill has provisions for determining the amount of the fee. The bill does not prohibit a prisoner from filing a subsequent action if the prisoner cannot pay the fee; the bill allows for a payment schedule. In the application for post-conviction relief, this bill requires the prisoner to state whether he/she has previously filed an application for post-conviction relief or a petition for *habeas corpus* in state court, relating to the sentence to which the prisoner is currently incarcerated. The bill further requires the applicant to attach a copy of his/her prison trust account balance sheet to the application.

The bill allows for sanctions for prisoners that bring frivolous actions for post-conviction relief. The bill requires the application for post-conviction relief to contain a provision informing the prisoner that a second or subsequent application for post-conviction relief determined to be frivolous may result in the prisoner's loss of work credits, education credits, and good time credits. The bill also provides that a prisoner who brings a frivolous action may be ordered to pay the attorneys fees and court costs of the opposing party under the South Carolina Frivolous Civil Proceedings Sanctions Act.

**H.3487 UNIFORM TRUST CODE Rep. Sinclair**

This bill pertains to trust administration. The bill enacts the Uniform Trust Code by providing a comprehensive codification or recodification of much of existing trust law and supplementing existing common law, unless the code specifically contradicts it.

**H.3489 NONPARTISAN COUNTY ELECTIONS Rep. Bales**

The bill outlines procedures whereby the governing body of a county may be elected in nonpartisan elections. The bill applies to the following county offices: auditor, treasurer, clerk of court, probate judge, sheriff, coroner and register of mesne conveyance.

**H.3492 ELECTIONS BY THE GENERAL ASSEMBLY Rep. Young**

This bill prohibits a nonjudicial candidate or a person holding an office elected by the General Assembly from attempting to influence the outcome of an election of another candidate for office elected by the General Assembly. A violation of this provision would be considered a misdemeanor punishable by a \$1,000 fine or imprisonment for not more than 90 days.

**H.3494 THREATENING THE LIFE, PERSON, OR FAMILY OF A PUBLIC OFFICIAL, TEACHER OR PRINCIPAL Rep. J.E. Smith**

This bill relates to the prohibition on threatening the life, person, or family of a public official, teacher or principal. Under the bill, it is unlawful to make either direct or indirect threats to these individuals.

**H.3495 PRESIDENTIAL PREFERENCE PRIMARIES Rep. J.E. Smith**

Current law provides that political parties may conduct presidential preference primaries. Under this bill, the State Election Commission would conduct presidential preference primaries.

**H.3505 PROPOSED CONSTITUTIONAL AMENDMENT PERTAINING TO THE COMMISSIONER OF AGRICULTURE Rep. Hagood**

The office of Commissioner of Agriculture is a position required by the State Constitution to be held by a duly elected individual. This joint resolution proposes to submit to the electors at the next general election whether or not the Commissioner of Agriculture should remain an elected position or rather be a position appointed by the Governor upon advice and consent of the Senate.

**H.3506 PROPOSED CONSTITUTIONAL AMENDMENT PERTAINING TO  
THE ADJUTANT GENERAL Rep. Hagood**

The office of Adjutant General is a position required by the State Constitution to be held by a duly elected individual. This joint resolution proposes to submit to the electors at the next general election whether or not the Adjutant General should remain an elected position or rather be a position appointed by the Governor upon advice and consent of the Senate.

**H.3507 PROPOSED CONSTITUTIONAL AMENDMENT TO PROVIDE FOR  
THE  
JOINT ELECTION OF THE GOVERNOR AND LIEUTENANT  
GOVERNOR Rep. Hagood**

This joint resolution proposes to submit to the electors at the next general election whether or not the Lieutenant Governor must be elected jointly with the Governor.

**H.3509 TRAFFIC STOPS Rep. Ceips**

This bill provides that the operator of a motor vehicle equipped with interior lights must activate the vehicle's interior lights and open the vehicle's front window when stopped by a law enforcement officer at night. The bill authorizes a \$25 fine for violations.

**H.3518 PRIVACY FROM UNWANTED COMMERCIAL ELECTRONIC MAIL  
SOLICITATION Rep. J.E. Smith**

The stated intent of this bill is to (1) find a balance between free speech and trade and a citizen's right to privacy, (2) and provide a citizen who does not wish to receive commercial email solicitations at home with a means of preventing those emails, while allowing a commercial solicitor to continue to email a citizen who does wish to receive that email at home. Among other things, the bill provides for a database constituting a "No Email List." The bill provides for specific contents of advertising messages in the subject portion of the messages. The bill authorizes the Attorney General and state's judicial circuit solicitors to investigate complaints. Penalties are established for violations.

**H.3519 DEPARTMENT OF REVENUE'S WAGE GARNISHMENT POWER  
Rep. J.E. Smith**

This bill relates to the Department of Revenue's (DOR) authority to contract to collect outstanding liability owed to a governmental entity. The bill defines the term 'outstanding tax liability owed to the governmental entity.' The bill provides that DOR's power to garnish the wages of a delinquent taxpayer may only be used to collect an outstanding tax liability owed the governmental entity.

**H.3525 DUTY OF A MUNICIPALITY TO PROVIDE WATER OR SEWER**

**SERVICES Rep. Chellis**

Among other things, the stated intention of this bill is to clarify the General Assembly's intent that all inhabitants of a municipality are entitled to equal access to the governmental function of municipal water and sewer services without discretion. This bill requires a municipality to provide water or sewer services to a property owner upon written request when the property owner agrees to pay the cost of extending these services by the payment of an assessment levied against the property.

**H.3530 WORKING ON SUNDAYS AND "SUNDAY BLUE LAWS"**

**Rep. E.H. Pitts**

This bill relates to the right of an employee of a business to refuse to work on Sunday. The bill provides that an employee has the option of refusing to work on Sunday if the employee is conscientiously opposed to Sunday work.

The bill repeals what is popularly known as "Sunday Blue Laws," which relate to the prohibition against the sale of certain items on Sunday except during specified hours of operation. "Sunday Blue Laws" also prohibit the conduct of certain work or events or the operation of certain businesses or manufacturing establishments on Sunday. The bill does not affect the provisions of law prohibiting or otherwise regulating the sale of alcohol on Sunday.

## **LABOR, COMMERCE AND INDUSTRY**

**H.3478 PAYMENT OF UNLICENSED INDIVIDUALS PROHIBITED FOR  
LICENSED REAL ESTATE PROFESSIONALS Rep. Huggins**

This bill revises provisions relating to grounds for denial of licensure or for disciplinary action against real estate professionals, including brokers, agents, and property managers, so as to clarify that payment of a commission or compensation to an unlicensed individual is prohibited for conducting activities requiring a license. The legislation specifies when such payments are authorized.

**H.3479 ASBESTOS ABATEMENT Rep. Davenport**

This bill revises criteria for issuance of asbestos abatement licenses by altering the definitions of "asbestos abatement entity" and "asbestos project". The bill eliminates existing licensure fee provisions and, instead, authorizes the Department of Health and Environmental Control to establish such fees in regulation that are sufficient to cover reasonable costs of administering the asbestos program. The bill increases the maximum civil penalty for violations from one thousand dollars to ten thousand dollars.

**H.3490 INCIDENTAL CHECK-CASHING BY RETAIL BUSINESSES**

**Rep. Duncan**

This bill revises the exemption from check-cashing service licensure requirements that is provided for a person who, incidentally to or independently of the operation of a bona fide retail business, from time to time cashes a check, draft, or money order, so as to provide that a fee may be charged for such an incidental service so long as it does not exceed the statutory fee schedule.

**H.3491 INSURANCE ADJUSTERS Rep. Cato**

This bill revises provisions relating to insurance adjusters, so as to: change the criteria for licensing adjusters; require additional information before a license is issued; provide for the fee and duration of the license; require continuing education requirement for adjusters; provide for the probation, revocation, or suspension of an adjusters license; and provide for penalties for violations of regulations affecting adjusters.

**H.3500 STATE UNEMPLOYMENT INSURANCE LIABILITY FOR SUBCONTRACTORS Rep. Kirsh**

This bill establishes a procedure for requiring compliance of a subcontractor regarding State Unemployment Insurance liability.

**H.3508 "SOUTH CAROLINA FAIR CREDIT REPORTING ACT" Rep. J. E. Smith**

This bill enacts the "South Carolina Fair Credit Reporting Act", to provide that unfair methods of reporting credit history and unfair or deceptive acts in the conduct of credit reporting are unlawful. The legislation provides that the Federal Fair Credit Reporting Act as interpreted by the Federal Trade Commission and federal courts shall furnish guidance in construing this legislation. The legislation provides penalties for willful and negligent noncompliance. The legislation provides that the state courts have jurisdiction to hear actions brought pursuant to this legislation. A two-year statute of limitations (with certain exceptions) is provided for seeking relief under this legislation.

## WAYS AND MEANS

**H.3496 EXEMPTION FROM ZONING PROVISIONS Rep. J.E. Smith**

This bill provides an exemption from certain zoning laws for a business whose primary purpose is the laundering of material which contains radioactive materials and is regulated by the Department of Health and Environmental Control (DHEC) pursuant to a specified regulation regarding radioactive materials. The bill requires and provides for DHEC to give notice to the local government administering the zoning laws, and the bill prohibits rezoning of an area to allow the business to be located closer to an area zoned residential.

**H.3511 S.C. CONSTITUTION/SCHOOL DISTRICT BONDS Rep. Hinson**

This bill provides that relating to Article X, Section 15 of the South Carolina Constitution (Bonded Indebtedness of School Districts), a complete or partial successor-in-interest to, or other transferee of, or other associate of a school district is deemed to be the school district for bonding purposes when the successor, transferee, or associate undertakes all or a portion of the operation or assumes all or a portion of a duty of the school district.

**H.3513 FIDELITY BOND ON COUNTY OFFICIALS Rep. Brady**

This bill authorizes and provides for the governing body of a county to purchase a fidelity bond covering all county officials and employees or a portion of them, instead of using specific statutory bond requirements. The bill requires that such a fidelity bond must meet or exceed the minimum value required by statute.

**H.3520 LEAVE FOR STATE EMPLOYEE MILITARY SERVICE Rep. J.E. Smith**

This joint resolution allows full-time state employees to use up to 45 days of accumulated annual leave in 2005 for absences resulting from certain military service in

the National Guard or active duty. The bill allows these state employees to additionally use accumulated sick leave up to ninety days as if it were annual leave.

**H.3521 ELIGIBILITY FOR STATE HEALTH/DENTAL PLANS Rep. J.E. Smith**

This bill includes County First Steps Partnerships among those entities eligible to participate in the State health and dental insurance plans.

**H.3522 LIFE INSURANCE FOR ACTIVE NATIONAL GUARD MEMBERS Rep. J.E. Smith**

This bill provides that beginning January 1, 2006, group term life insurance coverage in the amount of \$250,000 must be provided for each active member of the South Carolina National Guard at no cost to the member. The bill requires that premiums for this coverage must be paid from the Insurance Reserve Fund.

**H.3523 PRISON INDUSTRY PROGRAM Rep. Wilkins**

This bill requires the Department of Corrections, in conjunction with the Materials Management Office of the Budget and Control Board, to develop and maintain a marketing plan to attract private sector businesses for the employment of inmates through the prison industries program. The bill also authorizes and provides for the Director of the Department of Corrections to enter into contracts with private sector entities that allow for inmate labor to be provided for prison industry service work and export work that involves exportation of products. The bill includes provisions for wages to be paid to inmate labor, and allows wage deductions from inmate gross earnings for certain restitution, and for a percentage of room and board expenses.

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